

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff  
Investment Securities LLC, and Bernard  
L. Madoff,

Plaintiff,

-v-

JACOB M. DICK REV LIVING TRUST  
DTD 4/6/01, *et al.*,

Defendants.

21-CV-706 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On January 26, 2021, Defendants moved to withdraw the bankruptcy reference in this action, contending that the case was trial ready and that Defendants have a Seventh Amendment right to a jury trial. (Dkt. No. 1-1 at 4–9.) On February 9, 2021, Plaintiff filed its opposition to Defendants’ motion to withdraw the reference, in part explaining that it anticipated filing a summary judgment motion against Defendants. (Dkt. No. 3.)

Given Plaintiff’s summary judgment motion, this case is not trial ready and Defendant’s motion to withdraw the reference is therefore denied without prejudice as premature. *See, e.g., Picard v. Palmedo*, No. 20 Civ. 1926 (S.D.N.Y. July 8, 2020), Dkt. No. 5 (denying Defendants’ motion to withdraw the reference as premature because Plaintiff planned to file a summary judgment motion); *Picard v. Est. of Allen Meisels*, No. 20 Civ. 1278 (S.D.N.Y. June 8, 2020), Dkt. No. 17 (same).

The Clerk of Court is directed to close the motion at Docket Number 1 and close this case. The Defendants may file a renewed motion after the Bankruptcy Court addresses Plaintiff's motion for summary judgment.

SO ORDERED.

Dated: February 10, 2022  
New York, New York



J. PAUL OETKEN  
United States District Judge